

P21480

Application No. 09/926,218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Arne HOLMGREN et al.

Group Art Unit : 1621

Appl. No : 09/926,218
(National Stage of PCT/JP00/02076)

Examiner : Kumar

I.A. Filed : March 31, 2000

For : SUBSTRATE FOR THIOREDOXIN REDUCTASE

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
AND
SUBMISSION OF AMENDED STATUS OF CLAIMS**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Appeal Brief-Patents**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In response to the Notification of Non-Compliant Appeal Brief (Notification) mailed April 4, 2008, which sets a period for response of one month until May 5, 2008 (May 4, 2008 being a Sunday), Appellant submits herewith an amended Status of Claims that addresses the defects identified in the Notification.

Appellant submits the Appeal Center Specialist checked paragraph 2 on the Notification form PTOL-462, i.e., "The brief does not contain a statement of the status of claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii))." While section (III) "*Status of the Claims*" identified claims 13-19 and 26-28 are having been finally rejected in the Final Office Action, and claims 1-12 and 20-25 as

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being canceled, a reference to the finally rejected claims as being under appeal was not explicitly indicated.

During a May 5, 2008 telephone call, Patent Appeal Center Specialist Lorenda Hood advised Appellant's representative Arnold Turk that an entire amended Appeal Brief was not necessary, and that a complete response to the Notification need only submit an amended Status of Claims page.

Therefore, in order to be fully responsive, Appellant submits herewith an amended Status of Claims to revise section (III) (including the same page number 5) to even more explicitly indicate that finally rejected claims 13-19 and 26-28 are subject of the pending appeal.

The requisite fee for the filing of the Appeal Brief was previously paid. Therefore, Appellant submits no fee is due at this time for consideration of the pending appeal. However, if for any reason any fee is necessary to maintain the pendency of the application, including any extension of time and/or appeal fee, authorization is hereby provided to charge any required fee to Deposit Account No. 19-0089.

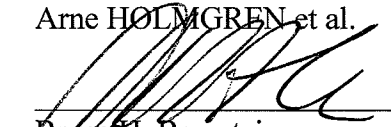
For the reasons set forth in the Appeal Brief, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness, which is a prerequisite for maintaining a rejection under 35 U.S.C. 103(a). The Board is, therefore, respectfully requested to reverse the Final Rejection, and to allow the application to issue in its present form.

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If there are any questions, the undersigned can be reached at the below-listed telephone number.

Respectfully submitted,
Arne HOLMGREN et al.



Bruce H. Bernstein
Reg. No. 29,027

May 5, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Arne Holmgren
Reg. No. 33,094

(III) STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1-12 and 20-25 are canceled, and claims 13-19 and 26-28 are pending in this application and are under appeal.

Of the pending claims, claims 13-19 and 26-28 have been finally rejected in the Final Office Action mailed February 26, 2007, and are under appeal.